

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:07PO4
)
vs.) ORDER
)
GUILLERMO RAMON BARBA-MARTIN,)
)
Defendant.)

This matter is before the court on the joint motion to continue trial (Filing No. 20). The parties seek a continuance of the trial of defendant Barba-Martin scheduled for February 5, 2008. Barba-Martin has submitted an affidavit whereby he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The joint motion to continue trial (Filing No. 20) is granted.
2. Trial of this matter is re-scheduled for **9:30 a.m. on February 26, 2008**, before the undersigned magistrate judge. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 4, 2008 and February 26, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 4th day of February, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge